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NO. 6738 P. 6

FEB 06 2007

Atty. Dkt. No. 041673-2114

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: David A. Gough  
Title: MEMBRANE AND  
ELECTRODE STRUCTURE  
FOR IMPLANTABLE SENSOR  
Appl. No.: 10/719,541  
Filing Date: 11/20/2003  
Examiner: N. Natnithithadha  
Art Unit: 3735  
Confirmation Number: 3436

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b>	
I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.	
<i>Rachel Zapata</i> (Printed Name)	_____
<i>David Gough</i> (Signature)	_____
February 6, 2007 (Date of Deposit)	_____

AMENDMENT AND REPLY UNDER 37 CFR 1.111

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This communication is responsive to the Non-Final Office Action dated September 12, 2006, concerning the above-referenced patent application. Applicant has enclosed with this amendment a Petition for Extension of Time to make this response timely.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this document. **Remarks/Arguments** begin on page 6 of this document.

Please amend the application as follows:

02/07/2007 TL0111 00000033 10719541

01 FC:2202	1175.00 OP
02 FC:2203	180.00 OP
03 FC:2252	225.00 OP

-1-

DLMR\_299430.1

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Total number of pages, including this page: 14

TO:	PHONE #:	FAX #:
Examiner N. Natnithithadha Group Art Unit 3735 U.S. Patent and Trademark Office	571-272-4732	571-273-8300

From : Stacy L. Taylor  
Email Address : staylor@foley.com  
Sender's Direct Dial : 858.847.6720  
Date : February 6, 2007  
Client/Matter No : 041673-2114  
User ID No : 9055

## MESSAGE:

U.S. Patent Application No. 10/719,541

Following is:

- 1) Amendment Transmittal (3 pages);
- 2) Amendment and Reply Under 37 CFR 1.111 (9 pages.); and
- 3) Credit Card Payment Form (1 page).

If there are any problems with this transmission or if you have not  
received all of the pages, please call 858.847.6700.

Operator:	Time Sent:	Return Original To: Rachel Caputo
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CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

Atty. Dkt. No. 041673-2114

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<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.  _____ <i>Rachel Caputo</i> (Printed Name)  _____ <i>Rachel Caputo</i> (Signature)  _____ February 6, 2007 (Date of Deposit)
--

**AMENDMENT TRANSMITTAL**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

☒ Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous  
assertion of Small Entity status.

☐ Assertion of Small Entity status is enclosed.

FEB 06 2007

Atty. Dkt. No. 041673-2114

[ X ] The fee required for additional claims is calculated below:

	Claims As Amended		Previously Paid For		Extra Claims Present		Rate		Additional Claims Fee
Total Claims:	75	-	28	=	47	x	\$50.00	=	\$2350.00
Independent Claims:	3	-	3	=	0	x	\$200.00	=	\$0.00
First presentation of any Multiple Dependent Claims:						+	\$360.00	=	\$360.00
CLAIMS FEE TOTAL									= \$2710.00

[ X ] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

[ ] Extension for response filed within the first month:	\$120.00	\$0.00
[ X ] Extension for response filed within the second month:	\$450.00	\$450.00
[ ] Extension for response filed within the third month:	\$1,020.00	\$0.00
[ ] Extension for response filed within the fourth month:	\$1,590.00	\$0.00
[ ] Extension for response filed within the fifth month:	\$2,160.00	\$0.00
EXTENSION FEE TOTAL:		\$450.00
[ ] Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$130.00	\$0.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		\$3160.00
[ X ] Small Entity Fees Apply (subtract ½ of above):		\$1,580.00
Extension Fees Previously Paid:		\$0.00
TOTAL FEE:		\$1,580.00

A credit card payment form in the amount of \$1,580.00 is enclosed.

Atty. Dkt. No. 041673-2114

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by the credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

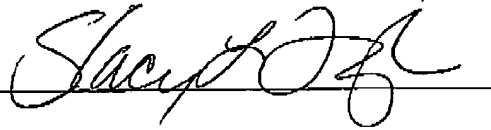
Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date

2-6-07

By



FOLEY & LARDNER LLP  
Customer Number: 30542  
Telephone: (858) 847-6720  
Facsimile: (858) 792-6773

Stacy L. Taylor  
Attorney for Applicant  
Registration No. 34,842